90-101

No. _____

Supreme Court, U.S.
FILED
JUL 16 1990
JOSEPH F. SPANIOL, JR.
CLERK

# In the

# Supreme Court of the United States.

OCTOBER TERM, 1989.

ZIBA BENNETT PHELPS III, PRO-SE
PETITIONER,

*v.*

GERALD M. O'DONNELL, Chapter 13, TRUSTEE
FOR
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION,
RESPONDENT.

**Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit.**

## Petition for Writ of Certiorari

ZIBA BENNETT PHELPS III, PRO-SE
P.O. Box 4021,
Arlington, Virginia 22204

July 16, 1990

CREATIVE KEYSTROKES ALEXANDRIA, VIRGINIA

## Questions Presented.

(1) Does the U.S. Government or any of its agencies have the right to kidnap, hold, and hide an individual without trial for 38 years?

(2) Does the U.S. Government have the right to hold someone for ransom to cover up high crimes by the U.S. Government?

(3) Do the lower courts have the right to suspend due process and the first amendment to prevent the presentation of a case?

(4) Does a United States Circuit Court of Appeals have the right to issue a false *per curiam* and have it UNPUBLISHED in order to cover up high crimes by the U.S. Government?

(5) Does the U.S. Government have the right to use cruel and unusual punishment administered by its agents, the U.S. Marshals, in the form of applied psychology used to hold the granddaughter of Nicholas II? The form used is the constant threats to her life and to her son, whether real or not. This is a violation of the Eighth Amendment.

(6) Does the U.S. Government have the right to prevent the right to counsel by putting such pressure on counsel that he either resigns or does not take the case? This is a *de facto* form of preventing the right to counsel and a violation of the Sixth Amendment. This may be a civil case, but there are criminal overtones, because the U.S. Government is actively holding the wife of the petitioner.

(7) Does the United States Government have the right to so threaten individuals in order to orchestrate a divorce for the cover-up of high crimes by the U.S. Government and thereby actively violate the sanctity of marriage?

(8) Does the United States Government have the right to suspend Amendment IV—the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures? Thirty-seven years is a long time without due process.

(9) Does the United States Government have the right to suspend the Writ of Habeas Corpus to cover kidnapping and extortion by the U.S. Government?

## Table of Contents.


Opinions Below . . . . . 1
Jurisdiction . . . . . 2
Constitutional Provisions . . . . . 2
Statement of Case . . . . . 2
Reasons for Granting Certiorari . . . . . 9
Conclusion . . . . . 23
Appendices
A. Order Denying Production of Wife . . . . . 1a
B. Order Granting Waiver of Discharge . . . . . 1b
C. Order District Court (8/14/89) Affirming the Bankruptcy Court . . . . . 1c
D. Order District Court Denying Information under FIA (8/14/89) . . . . . 1d
E. 4th Circuit Court of Appeals (3/21/90) Decision . . . . . 1e
F. Notice by Letter of Not Filing in Time . . . . . 1f
G. 4th Circuit Court of Appeals, Petition for Rehearing . . . . . 1g


## Table of Authorities.

CASES.


*In re Looney*, 823 F2d 788, 790 n.3 (4th Cir.).


OTHER AUTHORITIES.


*The Constitution of the United States* and its Amendments.

*The Freedom of Information Act.*

FRAP 26-(c).

# No. _____

# In the

# Supreme Court of the United States.

OCTOBER TERM, 1989

ZIBA BENNETT PHELPS III, PRO-SE
PETITIONER,

*v.*

GERALD M. O'DONNELL, Chapter 13, TRUSTEE
FOR
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION
RESPONDENT.

**Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit.**

## Petition for Writ of Certiorari

### Opinions Below.

The opinion of the court of appeals is not published and only in the record of case No. 89-3324; there is no opinion from the district court Case No. CA-89-0916-A; and there is no opinion from the bankruptcy court Case No. 86-01779-A, Chapter 13.

## Jurisdiction.

The decision of the court of appeals was entered March 21, 1990, and a petition for rehearing denied April 25, 1990. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

## Constitutional Provisions.

The Constitution of the United States provides certain rights which are applicable to this Petition and these are enumerated in the Amendments; Articles I, IV, VI, and VIII. The Department of Justice of the United States does not have the right by law to kidnap and hold as a hostage anyone for ransom nor to use threats against their person and family to accomplish and perpetuate crimes by the Government and banks of the United States. In the Constitution Article I, section 9, part 2, the Writ of *Habeas Corpus* shall not be suspended.

## Statement of the Case.

This Court holds the wife of the petitioner, Mrs. Gladys Marie Phelps, through its agents the United States Marshals. Mrs. Gladys Marie Phelps is the granddaughter of Nicholas II and Alexandra, the Tsar and Tsarina of Russia. Mrs. Gladys Marie Phelps (hereinafter called MARIE) was named after her mother, who was the third child of Nicholas II born in 1899. MARIE was born in this country in October of 1930 and probably in Mobile, Alabama. Her mother was 30 at the time. The petitioner has been trying to locate his wife MARIE since 1985, when he found out he had a son by her

born in 1953. On December 8, 1986, the petitioner discovered that he was still married to MARIE when he pulled the divorce papers in the Mobile County Courthouse. There are many faults in the papers, and some of the papers the petitioner had never seen before. The main fault is that there is no mention of a child and MARIE was nearly 8 months pregnant at the time the divorce papers were signed by the judge. Investigation has revealed that there is some irregularity with the signing of the papers by the court.

This may help to explain how this whole thing occurred. The petitioner and MARIE were married in Corpus Christi, Texas on Friday night, October 31, 1952 and had less than ten days together before the petitioner, who was a fighter pilot in VF-42, sailed on the USS *Midway* on December 1, 1952. On April 15, 1953, the petitioner was flying a Corsair in the fleet and, on landing on the *Midway*, found he had orders back to the United States. This was a Wednesday; Thursday night he was in Port Lyautey, Saturday night he was in Patuxent, Maryland, and Sunday night he was in Mobile, Alabama. On Monday morning he saw his wife MARIE at about 10 o'clock for about 10 minutes. She was adamant that she wanted a divorce. The petitioner has since then learned that he was taken to a house that was not her house, met a man who was not her stepfather, and a woman who was not her mother. This whole thing was orchestrated by the United States Marshals, the Episcopal Church, the Jesuits, and others. The petitioner took care of matters with respect to getting a lawyer, and he was not allowed to see MARIE again. T. Massey Bedsole was the attorney who handled things for the Petitioner. Mr. Bedsole has refused to help the petitioner, saying there are no records and he does not remember as of 1986. Also he has hidden from the petitioner on two occasions when the petitioner was in Mobile. There is a major cover-up and there appears to be no paper trail. MARIE is professionally hidden by two men. They work for this Court as U.S. Marshals or are closely associated with them. One of the ways they hide MARIE is that when she is

threatened she is whisked off to one of the convents of the Hospital Nuns of the Daughters of Charity of Saint Vincent de Paul. Saint Joseph's Hospital in Houston, Texas is often used and is run by the Daughters of Charity. The head of the U.S. Marshals in Houston, a Mr. Baker, knows where she is. There was an attempt to assassinate MARIE and her son late last summer. They have been moved but are still in this country and still under the eye of the U.S. Marshals. The Petitioner has labored under extremely difficult conditions, as he did not know his wife MARIE was the granddaughter of Nicholas II and Alexandra until April 19, 1989, when he received confirmation from an inquiry. This inquiry was made upon discovery of certain information developed after the death of Empress Zita of Austria. The petitioner requested help from the Investigators of the Virginia State Police in locating his wife in mid-October 1988. On about January 24, 1989, the Inspectors relayed to the petitioner that orders came from Richmond that they were not to talk to the petitioner or do anything further in locating his wife. It was later learned that these orders came from the Attorney General of Virginia, Mary Sue Terry, and this was in spite of the fact that the investigators had located MARIE.

In the U.S. Bankruptcy Court of the Eastern District of Virginia, Alexandria Division on November 1, 1988 the court tried to coerce the petitioner into getting a divorce in order to free his lands and subdivisions of the dower interests that belong to MARIE. The petitioner was given the choice of getting a divorce or the bankruptcy court would foreclose. The petitioner refused to get a divorce in spite of the pressure from the court and the bank. He paid with difficulty. This is in the record of exhibits in the Petition for Rehearing in the Fourth Circuit Court of Appeals.

In the U.S. Bankruptcy Court on April 17, 1989 the petitioner waived discharge and asked the court to have the FBI produce MARIE. The waiver of discharge was granted, and the request to the FBI was taken under advisement, as the

bankruptcy court did not think it had the authority to issue the order. On April 19, 1989 the petitioner got confirmation that his wife MARIE was the granddaughter of Nicholas II. The order to the FBI was changed to a Writ of Habeas Corpus to be served on the Attorney General of the United States, Richard Thornburg, the correct procedure in light of the discoveries. The order waiving discharge and the order denying the production of MARIE were signed May 8, 1989, and the appeal process was started. At the time of the hearing the petitioner did not know his wife MARIE was the granddaughter of Nicholas II and just how deep the U.S. Marshals involvement was. Due process was denied in the bankruptcy court.

There was no answer brief filed by the Chapter 13 Trustee of the bankruptcy court and the petitioner so noted in a reply brief and the appeal was heard in the U.S. District Court in Alexandria on August 11, 1989. The District Court ruled before the petitioner was allowed to present his case. The court ruled from notes in the court file and refused to override the decision of the bankruptcy court denying the production of MARIE. A deed of waiver to correct past deeds and future deeds in Warren County was in the court to be signed by MARIE. The petitioner appealed the decision on August 11, 1989 and wrote the District Court on October 19, 1989 and requested a copy of the notes the court used to make the decision before the petitioner could present his case. He was denied this information by court order October 26, 1989 and thereby never knew who his accusers were or what were the accusations. This is a violation of the first amendment, the right to speak, the fifth amendment, due process, and a violation of the laws of this country under the Freedom of Information Act. By now the petitioner knew who his wife MARIE was and was beginning to understand the involvement of the U.S. Marshals and others.

Appeal briefs both formal and informal were filed with the United States Circuit Court of Appeals for the Fourth Circuit

on December 6, 1989 and when the assigned respondent, the Chapter 13 Trustee, did not file a brief in the required time, the petitioner filed a reply brief so noting. There has never been an answer or respondent brief in any court. On March 21, 1990 the Fourth Circuit dismissed the appeal of the petitioner in a *per curiam* opinion stating this was an interlocutory proceeding and the parties were still engaged. This is not so, as the petitioner had been discharged by the bankruptcy court and had waivered discharge to correct and clarify the question of dower interest. Furthermore, the appeal court quoted *In re Looney* (July 14, 1987) in which the Fourth Circuit reversed and remanded the decision of the bankruptcy court and the district court, though the appeal case was interlocutory as the final decision had not been reached. Furthermore, the opinion was written by Circuit Judge Sam J. Erwin III, who wrote or reviewed the *per curiam* opinion in which *In re Looney* (July 14, 1987) is quoted in this case, and which does not apply. Furthermore, the *In re Looney* opinion was written by Circuit Judge Sam J. Erwin III, who is now the Chief Judge of the Fourth Circuit and he either wrote or reviewed the petitioner's appeal in which *In re Looney* was quoted. A writ of certiorari was denied in *In re Looney* and the Fourth Circuit Court's decision was upheld. The decision does not apply, as the petitioner waived the discharge as all matters had been taken care of except the question of dower interest and the right of a creditor to receive money although no proof of claim was filed by the creditor or the Chapter 13 Trustee. This creditor's claim is based on a Default Judgment not properly perfected by law at a time when the creditor had not properly notified the petitioner he was so going to proceed, and this is another action.

On April 3, 1990, the Petitioner filed a Petition for Rehearing and Suggestion for Rehearing in Banc by mail which was received by the Fourth Circuit on April 5, 1990. The clerk of the 4th Circuit Court of Appeals sent the petitioner notice he had not filed within the prescribed time. There may have been foul play in the mail room. The

Petitioner then filed the Request for Extension of Time and quoted FRAP 26-(c) which says that when any decision is sent by mail three days shall be added to the time allowed and this made April 7, 1990 the last day a petition could be received by the court. The Petitioner filed the Extension of Time on April 12, 1990.

On April 25, 1990 the Fourth Circuit allowed the petition for extension of time and denied the Petition for Rehearing, and this was done at the direction of Chief Judge Erwin. Chief Judge Erwin should not have heard this case, as he has a conflict of interest. Chief Judge Erwin is the son of Senator Sam Erwin, Jr., who was personally known to the petitioner and furthermore the petitioner's grandfather Z. Bennett Phelps Sr. owned the Kent Timber Company, a New York Corporation which owned some 29,000 acres in North Carolina as well as land in other states. This corporation was dissolved in July of 1961 and about 14 days later the petitioner's grandfather was put in a nursing home. He was not competent to dissolve the company. On about October 23, 1961 he was told in the Zerby Nursing Home that the State of New York had dissolved the company. He threw a fit. He died on November 2, 1961 of a heart attack, although he had the heart of a bull. Foul play is suspected. In November and December of 1959, Senator Sam Erwin reviewed the Kent Timber Papers for four weeks and referred them to his friend, the late Attorney General of North Carolina, Harry McMullan. These papers were returned to the petitioner by Mr. Robert Young, the late Senator Eastland's speech writer. What is not shown is that this land of the Kent Timber Company in North Carolina may have been some 350,000 acres plus. At 29,000 acres or the larger figure there is no way that the Senator Erwin would not have known and also have passed this information on to his son, who is now the Chief Judge of the Fourth Circuit.

There are other ties. The law firm in which the Chief Judge practiced law is full of Erwins, and his grandson Sam J. R. Erwin IV practices law there now. This firm is in

Morganton, North Carolina, and there are other Erwins. The transactions of the purchase of the Richmond and Danville Railroad by the Southern Railway from a New York Corporation are all recorded in the Burke County Courthouse. Any railroad is a land-holding corporation, and the Erwins' law firm had to know where the lands were, as this is a timber selling and growing part of the world. Also, please note that Edward Darling, a lawyer in Wilkes-Barre, Pennsylvania has stated that the petitioner owns over 50% of the stock of the Pennsylvania Railroad. The Pennsylvania Railroad owned the Richmond and Danville Railroad. The Richmond and Danville and the Richmond Terminal Railroad and the Virginia Midland Railroad were merged into the Southern Railway. The Southern was still owned by the Trusts and banking interests in New York and there are also some interests in the Southern retained by the petitioner, although the exact amount has not been determined. There was a file on the petitioner in the United States Senate Judiciary, and he was known personally to Senator Erwin. Because the estates of the petitioner's grandfather have been embezzled and the files in the courthouses cannibalized, it is much larger than was first realized. A point: Z. Bennett Phelps Sr. was comptroller of the Security Mutual Life Insurance Company of Binghamton, New York which his family had started with his two brothers. When Watson came to him to form IBM and purchase the Bundy Time Clock Company, Z. Bennett Phelps Sr. bought all of the stock in IBM. This stock was sold on the market, but most of it was retained by the Crown Corporation in another life insurance company. Z. Bennett Phelps Sr. also owned mines in Pennsylvania, and with them went railroads. Railroads and mines use timber. Thus, he was known in the legal circles of North Carolina. Chief Judge Erwin should have excused himself from this case.

There have been a long series of mistakes at every court level throughout this appeal process, and these include the laws of the United States, the first, fourth, sixth, and eighth

amendments of the Constitution and the right of the petitioner to have counsel. The right to have counsel is denied *de facto*, as no lawyer wants to go up against the full force of the United States Government and its Department of Justice. The odds are not good, and therefore, the petitioner is denied competent counsel and must proceed pro-se.

## Reasons for Granting Certiorari.

THIS COURT controls and has authority over the holding of the granddaughter of Nicholas II and Alexandra (the Tsar and Tsarina of Russia), MARIE and her son, and it also happens that they are the wife and son of the petitioner. In order to do this, the laws of the United States and its Constitution have been suspended, and this includes the Lindburgh Act, now Chapter 55 §1201 of the U.S. Code. A redundancy of words, no matter how pertinent to the cause will not prevail, as this Court may dismiss or deny this petition for any one of a galaxy of reasons to sustain and perpetuate the secret that the U.S. Government and its bankers through the use of paid Bolsheviks overthrew the Russian Imperial Government and seized half of the Russian gold horde (Britain has the other half).

This case and the acts that have been committed against the petitioner to stop his search and investigation are a power play between the U.S. Government, the U.S. Department of Justice, the U.S. Courts, and the petitioner. Where does the power lie? Should the petitioner do acts of aggression such as severing the gas and petroleum lines from Lake Charles, Louisiana and Beaufort, Texas to the northeast or cutting the major electric lines in the northeast which would affect transportation and our very food supply by the loss of

electricity, it would be an exercise in futility doing great harm.[1] This is not power.

The power lies here: Should this Court choose to dismiss or deny this Petition for a Writ of Certiorari, then the granddaughter of Nicholas II, MARIE, is forever made a living martyr. This woman is held by using applied psychology. She is constantly under the threat of assassination by the Bolsheviks or of having her son killed. This is the constant threat used by the United States Marshals to control MARIE whether there is really a threat or not. This has been going on for 37 years. Tell any good woman that her child will be killed if she does not do exactly what you say, and she is your slave. MARIE is an R.N., sees death all the time, and knows what goes on in hospitals. MARIE is very carefully controlled by the two men professionally hiding her. As a result of the constant threat to her person and her son, MARIE cannot even see him freely as any mother can do. This is cruel and unusual punishment (Amendments, Article

---

[1]It would only take a handful of men to cut the pipelines, and if done in several places, it would take months to repair. This would stop trucks on the highway and leave only trains, which are now so diminished that they could not handle this increase in demand. If one remembers what happened in New York in 1966 when there was a major power failure, everything came to a halt. Elevators could not run, water could not be pumped up into the buildings for hygiene or for fire-fighting purposes, and trains could not run. These are only some of the things that happened. A handful of men could do this and the northeast would come to a stop. The details of how this could be accomplished are not given, as should this fall into the wrong hands anyone could do it. If this country could not run the power plant at Three Mile Island, which nearly blew up Harrisburg and that area or protect its airlines from terrorists, it certainly cannot protect these valuable power lines. The hardest thing in the world is to protect supply dumps and strategic facilities with vigilance, as when nothing happens people become complacent, and that is when the enemy strikes. Ask the military. These pipes and transmission lines cannot be protected with 100% security.

VIII, U.S. Constitution). Here is one woman, one heart, being punished for the sins of her grandfather, the Tsar of Russia, whether they are real or not. MARIE suffers because this government is afraid that its citizens and the world will find out about what happened in Russia in July of 1918. It is unabashed greed by the people in the highest of places. MARIE's physical needs are taken care of, but it is the constant fear to her maternal instincts by the threat of assassination of her son that is her cross of torment. Thirty-seven years of this under the direction of the U.S. Marshals, your agents, makes Dante's Inferno a cool place.

The thousands of tons of gold the U.S. Government took from Imperial Russia in the First World War are reason enough for perpetuating this secrecy and cover-up. There is also another reason. Nicholas II, the Tsar, was the protector of the Russian Orthodox Church, Defender of the Faith, and Christ's representative. The effect of killing the Tsar by the paid Bolsheviks was the symbolic killing of Christ. The Russian people and the Eastern Europeans were shattered that this could happen. This country, the U.S. Government, attempted to crush one of the largest Christian religions in the world, and this was done by an orchestrated assassination of the Tsar. It does not seem like much today, but it had tremendous impact in that part of the world and in this country for the people who have ancestral origins in Russia. One cannot always separate church and state. The very dignity of this Court, the robes, and the decorum in the courtroom with the deference given to justices has its origin in the old ecclesiastical courts that go back into antiquity. The aura of respect has deep religious significance. Because of attrition, MARIE is now the senior living member of the Romanoff family. She is the blood line into history, the AB blood group. This Court holds the granddaughter of the Tsar of Russia. This is the Tsar who this U.S. Government overthrew and stole half of his treasury, and in so doing tried to destroy the Orthodox Church and Christianity for millions. The Israeli bankers in New York and this country are involved with Jacob Schiff, of Kuhn, Loeb international bankers, and

others in financing the Russian Revolution, and this Revolution caused the death of some 40 million people since 1917, according to Robert Conquest. This may well be true, as the Tsar Nicholas II was not only deposed by an orchestrated assassination as the head of government, he was also deposed as the head of the Orthodox Christian Church. This put the Russians and Eastern European people at the mercy of the Bolsheviks. MARIE is a living survivor of the Romanoff family, being the granddaughter of Nicholas II. The Stalin purges never got all of the Christians in Russia or all the people who loved the Romanoff family. This Court through its agents holds the granddaughter of Tsar Nicholas II, the head of the Romanoff family. If she is not released by this Court, MARIE will be a living martyr to millions, as this word spreads.

There has been a newspaper cover-up on anything to do with the Romanoffs. The petitioner has been to the *Washington Post* (owned by Katharine Graham, daughter of Eugene Myers, who gave $20 million to the Bolsheviks), the *Washington Times* (the Mooney paper), the UPI, the *Spot Light*, the *Northern Virginia Daily*, etc. The brush-off became very evident, and so the blocks to getting this information out were carefully laid. Every ethnic group's leadership now knows about MARIE and what the U.S. Marshals have done. No one deserves to live as MARIE has. Of note, this petition will be in Russia 24 hours after it is filed with this Court. The petitioner does not know how this is done, but he knows that it will happen. This matter on the Romanoffs, the Imperial Russian gold, and the granddaughter of Nicholas II, MARIE can no longer be stonewalled by the Press and Media. One woman, one heartbeat sends terror through the judicial system and banks of this country. The Federal Reserve is based on Imperial Russian gold, as are other things, and this woman is the granddaughter, MARIE, of Nicholas II. If the above were not so, why would the lower courts have suspended due process and in the appeal to the Fourth Circuit even made false statements in the opinion? There also has to

be a reason for this hostile attitude towards the petitioner. The petitioner proceeds pro-se, as no competent attorney will go head-on with the U.S. Department of Justice.

The following has not previously been revealed. On Monday, April 20, 1953, after seeing his wife, MARIE, the petitioner was driven back by cab from her supposed home to the Seamans Hotel, Mobile. The petitioner knew no one in Mobile, and yet that afternoon he ends up in the law offices of Smith, Hand, Arendall, and Bedsole. The petitioner called his mother in Rhode Island. He told her what had happened and asked what he should do to get a lawyer. She said to call her back about two o'clock that afternoon. Remember, there is an hour's time difference between Mobile and Rhode Island. The petitioner's mother called the family lawyers in New York, who were Sullivan and Cromwell. The family also had offices at 57 Wall Street, where the Gurnee Estates were administered under the eye and control of Sullivan and Cromwell. John Foster Dulles was one of the Executors of the will of Augustus Coe Gurnee, and was a trustee of the estate by Letters of Trusteeship issued by the Probate Court of Hancock, Maine on July 3, 1928 to William Nelson Cromwell, John Foster Dulles, and Leroy Frost. Dulles also took care of the will of Walter S. Gurnee, Jr. At this time, Dulles had become U.S. Secretary of State and therefore was permitted to resign as Trustee January 6, 1953 by the court in Maine. His resignation from Sullivan and Cromwell actually took a little more time. There was a new trustee appointed to the estates April 14, 1953, a Mr. S. Pearce Browning, Jr. This was a period of overlapping the closing of Sullivan and Cromwell's business and proceeding with the affairs of the Secretary of State.

Also, there was another matter. MARIE was involved in a car wreck on or about December 4, 1952 on returning home to Mobile from seeing the petitioner off in VF-42 on the U.S.S. *Midway* on December 1, 1952. This appears to have been a hit orchestrated by MI-5. John Foster Dulles knew all about this, as did his brother, Allen Dulles. The two Dulles brother controlled intelligence in the U.S., as they had at

Sullivan and Cromwell. So when the call went through to Sullivan and Cromwell, it probably was referred to John Foster Dulles by S. Pearce Browning, Jr. or may have gone directly, as Dulles was already before the call went out involved with the divorce between MARIE and the petitioner, bringing it about as he wanted it. The U.S. Marshals and the intelligence services were deeply involved. The mail of the petitioner was censored and some letters to him never arrived, and there were other matters as well. The petitioner, being just an Ensign in the Navy, was not prepared for all the things that were going on, and also he was only 23 at the time. On calling his mother back, he was given the law firm of Smith, Hand, Arendall, and Bedsole, and told to see a Mr. Hand. On arriving at the law firm at about 3:30 P.M., he found that he was already expected and his affairs had been assigned to Mr. Bedsole. They talked and he was told to come back the next day at about noon. The attorney for MARIE was a Harry Seale, who had offices in the old First National Bank Building just downstairs from the offices of Smith, Hand, Arendall, & Bedsole. This building has been torn down and replaced by a 38-story structure. At the time the petitioner did not know who counsel for MARIE was, as he did not get the Notice by Registered Mail from Seale until May 2, 1953 at Oceana Naval Auxiliary Air Station. This was over a week later. Mobile, Alabama at that time was a divorce mill. But this was an in-house job being orchestrated by the Secretary of State, John Foster Dulles. With a divorced granddaughter of Nicholas II, there was never any fear of MARIE exercising her rights. She would be removed from the list of the heirs of the Tsar. There is a file on the divorce, in Sullivan and Cromwell, and this is why Mr. Bedsole will not see the petitioner or answer letters, as he is too much involved.

There is also the matter of the World Council of Churches in which Dulles and Bedsole were involved.

In 1953 John Foster Dulles was starting to organize the Cold War and the Iron Curtain. This was to isolate Russia, and to continue the cover-up of the theft of the Imperial Russian gold horde. It is ironic that he would be orchestrating

the divorce of the Tsar's granddaughter, but it fits. John Foster Dulles came to Sullivan and Cromwell in 1912 and was under the wing of William Nelson Cromwell, who found him very competent. One of Cromwell's main clients was Walter S. Gurnee, Jr. who was president of the New York Central Railroad and a large stockholder at that time. In addition he was the great grandfather of the petitioner. The bank that Gurnee used was the Hanover National Bank or Trust Co. Because of the amounts of money involved with the bank, he was most likely a director. This was a man who put his own money into the market to stop a run in the 1890s, and succeeded. Walter Gurnee Jr. was a powerful man in banking circles, and there is no way he would not have known about the theft or movement of the Imperial Russian gold horde. John Foster Dulles worked very closely with Cromwell and was in the confidence of both men. One of the first things Dulles did was to go to Paris in 1919 as assistant to Bernard Baruch, who had been made chief counsel at Versailles by President Woodrow Wilson. Shortly after arriving in Paris, Baruch was appointed U.S. representative to the Reparations Commission and Foster Dulles went to work. Dulles was in the inner circles of power by this time, and thereafter spent the rest of his life covering up the theft of the Imperial Russian gold horde. It is impossible to cover the actions of Sullivan and Cromwell and the Dulles in this thirty pages. There are other things to cover. However, let this be said: One usually thinks of a railroad as a long line of steel rails going into the horizon with the necessary ties when it is actually a long line of lawyers going on to infinity to protect the road from litigation. Sullivan and Cromwell was the firm that was chief counsel to the President of the New York Central, and this included all the intelligence networks necessary to operate the road in this country and overseas interests. This road was a major shipper to Europe and beyond. The petitioner's family had extensive interests in France and other countries.

Walter S. Gurnee, Jr. was deeply involved with the shipping interests of the New York Central Railroad in Europe and

with European interests in general. Ignace Jean Paderewski, the pianist and minister of Poland, used to come to his house in New York to play bridge and visit whenever he was in New York. On the piano in the living room was a large photo in silver frame of Paderewski. They were very good friends.

One little thing should be added, and it is that John Foster Dulles' father was a Presbyterian minister who sat on the Chair of Heresy and Fraud at Auburn Seminary in Auburn, New York. The petitioner's grandfather, Z. Bennett Phelps Sr. was a trustee of Auburn, and all three of his daughters were married in the house in Binghamton by doctors or ministers from Auburn. Phelps Sr. was very close to Auburn and knew the Reverend Dulles. Auburn was a small seminary with about 500 at the most. It is now closed, and the activities moved to the New York Seminary.[2]

Chief Judge Sam J. Erwin III of the 4th Circuit Court of Appeals is the son of Senator Sam J. Erwin, Jr. who headed the Watergate hearings in the Senate. Senator Erwin was known personally to the petitioner and under the ruse of a picnic for the staff of the Senate Judiciary Committee had sought him out at the first meeting. What is not known about Watergate is this. President Nixon had ordered the Corsican removed from the jail in Asuncion de Paraguay and flown to the United States, even though he was not an American citizen nor had ever been in this country. A Pan American 707 or 720 flew the Corsican from Asuncion to New York; he was the only passenger on the plane except for U.S. Marshals and Paraguanian officials. Why? The Corsican had run the drug traffic in the U.S. from the jail in Asuncion for one and one

---

[2]Charles Evans Hughes was a player in the cover-up of the theft of the Imperial Russian gold horde, and his help came during four years when he was Secretary of State starting in 1921. He had been previously associate justice of this Court, being appointed October 6, 1910. After resigning as Secretary of State, he was appointed Chief Justice of this Court February 3, 1930 by President Hoover. The 30-page limit and time do not allow further presentation, only to say he traveled with the interests of Sullivan and Cromwell.

half years and before that had run it for two years from Asuncion. Three and one half years. He was brought to this country about ten days before Watergate, and Watergate was retribution for taking the Corsican. For the Corsican to run an organization of that size in the United States, he had to have power and connections. Nixon did not understand what he was getting into. President Carter released the Corsican from jail 14 days after he was defeated in 1980.[3]

In the Watergate hearings, Dr. George Thomas Strother was the go-between between Katharine Graham of the *Washington Post*, Senator Erwin, and the Corsican through the prison network. Dr. Strother was the world famous abortionist who had pulled time in prison and was the head of the rackets in Northern Virginia. Katharine Graham has a farm in Fauquier County, Virginia near Rectortown. There was an old man who would come regularly from there to see Dr. Strother, supposedly for an ailment. Messages went both ways. To get to the Corsican he used the prison system, and to get to Senator Erwin he used the bootleggers of Western North Carolina. There was also a path to Britain. Most people do not understand how a criminal society works or the system. To better understand let's examine Dr. Strother.

The petitioner was introduced to Dr. Strother by one of his Lieutenants from Loudoun County in 1961 at a time when the petitioner was buying a farm in Warren County. When the petitioner moved onto the farm in 1962, he used to stop and see the Dr. The petitioner was raising thoroughbred horses, and the Dr. had at one time 50 horses under saddle and for two years had been the second largest money winner in the U.S. The Dr. knew horses and had an intellectual mind and was a stimulation to the petitioner from talking to the farm

---

[3]The go-between between Archibald Cox and Leon Jaworski, the first and second Watergate prosecutors, was Bill Eaton, an arbitrator who figured in the case of the Operating Engineers and Perini, the contractor on the Alaskan Pipeline. The petitioner got this information from a former Falls Church policeman who became a private investigator.

help. He also had a criminal mind. His family had lived in the Markham area since before the Civil War. His father had owned some 28,000 acres in the Markham and Delaplane area. He was interesting to talk to. One time he told petitioner how it was known that when President Harding went to Alaska he was not going to return. The Teapot Dome Scandal had been hatched at the old hotel in Markham where Harding used to come in the summer to escape the heat. The hotel is now gone and there is very little trace of Markham. What follows was gleaned over the years by visits to the Dr. and living in the area.

The Dr. got his medical degree from Georgetown University Hospital and interned in D.C. General. At the age of 25 he became medical director of Georgetown, the youngest in their history. Within the first year, he was sent by the Jesuits to New York to learn the new abortion technique, which was using an aspirator. In the first 90 days of pregnancy, this technique can perform an abortion in about 9 to 11 minutes. By having two rooms, the Dr. could do one every 15 minutes. He was dismissed from Georgetown when he was caught by the Mother Superior doing an abortion in Georgetown Hospital. He then left in about 1928 and set up his major practice in Virginia and Maryland. In Virginia he used a floating clinic; this was for the carriage trade. The walk-in trade went to Brunswick, Maryland. At that time the B&O had many trains going through there, and they went to Pittsburgh, Cleveland, Detroit, Columbus, Saint Louis, Washington, etc.

The Dr. did some 170,000 abortions in his life. He would do about 20 per night in the floating clinics, but he was not the only surgeon. The Dr. was lead surgeon over about 14 surgeons. He often trained dentists to do this work, as they would not be suspected, had good hands, were used to working in tight spaces, and had access to the medicine cabinet. Let's say the organization is doing some 200 abortions a week in a glut. Here are some of the problems. Pharmaceuticals and equipment in that volume cannot be bought on the open market, as they are easily traced. At that

time abortions were strictly illegal. The Dr. would use heroin to put the girls under. It would only be used once, so there was no fear of addiction and the rush would give them a pleasant remembrance of the experience. This put the Dr. in the illegal drug business. At the end of an evening, there was a bucket of unwanted fetuses. The bucket was evidence. It could not be flushed down a sewer, as this is the first place enforcement would look. This was taken care of by putting them in the rubber bag at the foot of a corpse with the other parts from an autopsy when the body was buried. There was also the problem of other doctors. The Dr. always paid a referral fee of 10% to the doctor who sent the girl. This also determined the condition of the woman. Since he had gone to a Jesuit medical school, they took care of problems with the cloth. The law enforcement and judicial problems were also taken care of. At $300 dollars for the procedure, he had about $60,000 coming in per week, and this did not count his share from the other doctors who worked with him. This was the price in the fifties. It was a lot of money. In fact, it was so much money there were problems dispersing it. The Jesuits handled some of the money laundering.

In respect to the necessary protection to do abortions, the Dr. controlled the law enforcement, judicial system, and/or both in the following areas. In Virginia he controlled Fauquier County, Warren County, Rappahannock County, and Loudoun County. Martinsburg, West Virginia was run by Bill Lyas of the West Virginia rackets. Lyas ran the cat house concession from Toronto, through western Pennsylvania to south of Bluefield, West Virginia and back to Port Clinton, Ohio. With an operation of that size, there are two things that are needed, and they are drugs in case the girls do not like their partners and an abortionist in case the obvious happens. The Dr. could supply both. The Dr. controlled Frederick County, Maryland where the Brunswick operation was located. Then there was the hospital in Baltimore City which was under the protection of the Maryland Racing Commission. There was also a hospital in Havana, Cuba under the protection of Julio Batista, who he knew well. The Dr. used

to race his horses in Havana in the winter. Sometimes one of his trainers, Vernon Auther would take twenty horses there. Maryland was always good to the Dr., as he had done a personal favor for Governor Richie. The Dr.'s services and discretion were so highly thought of that Winston Churchill sent an R.A.F. aircraft over here to take him to Britain. That fetus has been preserved. The Dr. has said that most or about 70% of his business was married women who had two or more children and could not afford another. These were also mostly Catholic. The Dr. would know, as they were fed by Jesuit trained doctors.

In another area the Doctor had protection. The Director of the FBI for the Northern Virginia area kept him informed when there was a change of agents and made sure the new ones were friendly to the Dr.'s operation. The one in Winchester could always be counted on. The petitioner ran into this when he was carrying some drug information about the break-in to the White House in about 1979 through the gates by a Mr. Seal. The information was always being intercepted or referred to the FBI agent in Winchester. The petitioner eventually took it to the aid of Senator Thurmond. The petitioner believes the name was a Mr. Short.

With the above in mind, one can easily see the tremendous cash flow this created. After taking care of everything and laundering as much as one could, there was still money left over. This would go into race horses, bookmaking, etc. During World War II, they used to bring truckloads of milk from Wisconsin to Northern Virginia and dump it in the dairy vats. They could do this for less money than it cost to produce it in Virginia and Maryland. The return truck did not go back empty. It was filled with whiskey from the stills of Northern Virginia. This went to Chicago, and it was a good market during the war. When there was a shortfall in Northern Virginia whiskey, the order would be completed by the bootleggers of Western North Carolina, and this included Burke County and Senator Erwin's home.

When one says Chicago and bootlegging, Al Capone comes to mind. He was dead by this time, but note this: He could

not have operated without protection from powerful people. It came from the intelligence section of the Austro-Hungarian Empire. This Empire was one of three Empires that collapsed in the First World War. Armies died and borders changed, but the intelligence forces just went deeper. Capone was just sort of retribution for what the U.S. had done. With this information it gets even deeper, but 30 pages will not allow anything further.

The Dr. had a drug operation on the Rio Pocomayo in Paraguay with some other people in the lumber business in Northern Virginia. Some of them were killed in an aircraft accident in Panama in about 1980. There is even more. However, the question comes to mind: Why was the petitioner so knowing? He believes that it was the Dr.'s intent to bring him into the organization and he was feeling him out. The petitioner was not interested and did not. The death of the Dr. was funny. He disappeared about July 10, 1975. He had cancer in the lymph gland under his left arm and it had metastasized through his left arm. This was supposed to be from X-ray burns to his left fingers in the thirties. He went into hiding in a hospital. He died September 5, 1975 at Newton Baker Veterans Hospital at about 4:00 in the morning. The body was picked up by the funeral home in Marshall, Virginia and taken to Alexandria, where it was cremated. The urn was then taken to Leeds Cemetery in Hume, where it was buried a few minutes past 11 o'clock with a post hole digger. This was all within less than eight hours. It does not appear he died at that time, and if he is still alive, he would be 92. He may have done this because of his Watergate involvement, and feared for his life.

In 1693 there were three counties in North Carolina. These were resubdivided into eleven counties in 1729 with Tyerrell and Pasquatank being among them. This is where some of the Kent Timber Co. land was located. New Hanover County was partitioned several times and was a large section of Western North Carolina. In 1777 Burke County was formed off the third partition of New Hanover County and the final partition of Burke occurred in 1911 by the partition of part of

Watouga County forming Avery. The original creation of Pasquatank is in the Suffolk Courthouse in Virginia. It is in Nansemond County. A copy of the above information was obtained from the Burke County Courthouse, North Carolina. With Senator Erwin being part of a dynasty of lawyers from Morganton, North Carolina, there is no way they would not have known about the Kent Timber Co. They were and are powerful in North Carolina.

Senator Erwin, among all the things he did, was powerful within the Masons. The Senator was a 33 degree Mason, a Shriner, a Knight Templar, and had many other high honors. In addition, Senator Erwin was a member of many lodges and an honorary member of numerous others. In that position he was in at the highest level of the Masons in the United States; it is only natural he would know of the petitioner's grandfather, Z. Bennett Phelps, Sr. and his relation to the Crown. It follows that when one has reached these high levels in the Masons that the father brings the son along and into the Masons. This is further enhanced by the Senator and his son Chief Judge Sam J. Erwin III being very close. It is only natural that certain things should be passed on. This is one of the many reasons that Chief Judge Erwin should have excused himself from the petitioner's case. There is a conflict of interests.

Over the front of this Court House is inscribed, "Equal Justice Under Law." There can be no justice or equality under law when this Court holds the granddaughter of Nicholas II, who in addition is the wife of the petitioner, through the offices of its agents, the U.S. Marshals. How much suffering MARIE has already undergone by the stonewalling and secrecy of the U.S. Government, the Department of Justice, and the Federal Courts is not known. Bolsheviks or no Bolsheviks, MARIE should be released and protected for the good of all.

## Conclusion

This secret cannot be contained. The secret of the United States Government and some of its bankers paying the Bolsheviks to orchestrate the assassination of Nicholas II and his family at a time when there were some 15,000 men of the U.S. Army in Russia and then taking 1,000 tons of gold which was half of the Imperial Russian Treasury is now too well known. MARIE, the granddaughter of Nicholas II, does not serve the purpose of a hostage any longer to preserve the cover-up of the overthrow of the Imperial Russian Government by the United States. Stonewalling and this cover-up reflect seriously on the basic human rights which this country so freely espouses. MARIE does not deserve to suffer further for a cause that is now lost by the U.S. Government. Martyring her will only make things worse.

In the lower courts the denial of the petitioner's constitutional rights and the suspension of the laws of this country further strengthen the conspiracy to prevent the people of the U.S. and the world from knowing that the Tsar and his family lived. If this were not so, MARIE would have been produced long ago. Why the big effort by the U.S. Department of Justice to prevent the petitioner from seeing his wife, MARIE, unless there is a National Secret? The petitioner labored through most of this not knowing who his wife, MARIE was. It was not until April 19, 1989 that it was revealed. This was a shock that was further complicated by the AB blood situation.

The petitioner wants to see his wife, MARIE. The legal entry is through the dower interests she has in his land and land that has been sold. This needs to be cleaned up, and there will be no divorce. The petitioner's priorities are to see his wife, MARIE, and with her see their son who the petitioner has never met, and then to correct the dower interest problem. The petitioner is 61 years old, and there is nothing better he can do than to seek out and find his wife,

MARIE in his remaining years. At this time this Court and previous judicial efforts are invading the sanctity of marriage by separating MARIE and the petitioner so that high crimes by the U.S. Government may be kept secret. The secret is out. This Court should grant the Petition for a Writ of Certiorari not only to review and correct actions in the lower courts with respect to dower interests, but to review the holding and detention without due process of the petitioner's wife MARIE so that MARIE and the petitioner may see each other. This Court holds MARIE through its agents, the U.S. Marshals.

The petitioner awaits the pleasure of the Court.

Respectfully submitted,

ZIBA BENNETT PHELPS III, PRO-SE

Petitioner

P.O. Box 4021

Arlington, Virginia 22204

July 16, 1990

## APPENDIX A

UNITED STATES BANKRUPTCY COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

In re:

ZIBA BENNETT PHELPS III Case No. 86-01779-A

Debtor

ORDER

UPON EXAMINATION of the SUPPLEMENT TO MOTION TO WAIVER DISCHARGE, SETTLEMENT OF DOWER INTEREST, AND PRODUCTION OF WIFE of the Debtor, it is by the Court this 8th day of May, 1989:

ORDERED, ADJUDGED, AND DECREED that the settlement of dower interests, production of the wife of the Debtor be denied as stated in the record.

/S/ Martin V. B. Bostetter Jr.

MARTIN V. B. BOSTETTER JR.
BANKRUPTCY JUDGE

Seen and Objected to:

ZIBA BENNETT PHELPS III
PRO-SE

P.O. Box 4021
Arlington, VA 22204

**APPENDIX B**

UNITED STATES BANKRUPTCY COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

In re:

ZIBA BENNETT PHELPS III — Case No. 86-01779-A

Debtor — Chapter 13

ORDER

UPON CONSIDERATION of the Answer To Motion to Waive Discharge of the Debtor, it is by this Court this 8th day of May, 1989:

ORDERED, ADJUDGED, AND DECREED, that waiver of discharge of Case No. 86-01779-A, Chapter 13, be granted.

/S/ Martin V. Bostetter, Jr.

MARTIN V. BOSTETTER, JR.
BANKRUPTCY JUDGE

I ASK FOR THIS:

ZIBA BENNETT PHELPS III
PRO-SE Debtor

P.O. Box 4021
Arlington, VA 22204

Seen and approved
Henry Counts, Jr.
Counsel for Sovran Bank

## APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

| | | |
|---|---|---|
| ZIBA BENNETT PHELPS, III | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CIVIL ACTION |
| v. | ) | NO. 89-0916-A |
| | ) | |
| SOVRAN BANK, N.A. | ) | |
| | ) | |
| Defendant. | ) | |

ORDER

This matter came before the court on appeal of the decision of the Bankruptcy Court, and for reasons stated from the bench, it is hereby

ORDERED that the decision of the Bankruptcy Court is AFFIRMED.

/S/ Claude M. Hilton

UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
August 14, 1989

## APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

| | | |
|---|---|---|
| ZIBA BENNETT PHELPS, III<br>Plaintiff | ) | |
| v. | ) | CIVIL ACTION<br>NO. 89-0916-A |
| SOVRAN BANK, N.A.<br>Defendant | ) | |

ORDER

This matter is before the court on plaintiff's letter of October 19, 1989, which appears to be a motion for a production of certain information. While it appears that the information that plaintiff requests is a matter of public record, if the request goes further, such a motion is not properly before this court. It is hereby

ORDERED that plaintiff's motion is DENIED.

/S/ Claude M. Hilton

UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
October 26, 1989

## APPENDIX E

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

---

No. 89-3324

---

ZIBA BENNETT PHELPS, III,

Plaintiff - Appellant,

versus

SOVRAN BANK, N.A.,

Defendant,

and

GERALD M. O'DONNELL,

Trustee - Appellee

---

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, District Judge. (C/A No. 89-916-A).

---

Submitted: March 5, 1990 Decided: March 21, 1990

---

Before ERVIN, Chief Judge, and PHILLIPS and WILKINSON, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Ziba Bennett Phelps, III, Appellant Pro Se. Gerald M. O'Donnell, Alexandria, Virginia, Appellee.

---

Unpublished opinions are not binding precedent in this circuit. See I.O.P. 36.5 and 36.6.

PER CURIAM:

Ziba Bennett Phelps, III, appeals from the district court's order affirming the bankruptcy court order denying his motion "To Waive Discharge, Settlement of Dower Interests, and Production of Wife."* Under 28 U.S.C. § 158 district courts may entertain appeals from interlocutory orders of the bankruptcy courts. However, under 28 U.S.C. § 158(d), both the district court and the bankruptcy court orders must be final before this Court has jurisdiction over the appeal. In re Looney, 823 F.2d 788, 790 n.3 (4th Cir.), cert. denied, 484 U.S. 977 (1987). In the present case the bankruptcy court's order was not a final order. Therefore, finding no basis for appellate jurisdiction, we dismiss the appeal as interlocutory. We dispense with oral argument because the dispositive issues have been decided authoritatively.

DISMISSED

---

*Phelps sought to have the bankruptcy court issue a writ of habeas corpus for his ex-wife, who he believed was in a federal protection program, because he claimed their divorce was not valid and therefore she needed to release her dower interests in his property before his estate in bankruptcy could be settled.

## APPENDIX F

April 5, 1990

Ziba Bennett Phelps III
P.O. Box 4021
Arlington, VA 22204

Re: 89-3324 Phelps v. O'Donnell
CA-89-916-A

Dear Mr. Phelps:

This office is in receipt of your petition for rehearing and suggestion for rehearing in banc filed April 5, 1990. Your case was decided on March 21, 1990, and Rule 40 of the Federal Rules of Appellate Procedure requires that a timely petition for rehearing be filed within 14 days of the date of decision. Because your petition is not timely filed, it will be necessary for you to file a motion for leave to file a petition for rehearing out of time.

Your motion should be filed in the office of the clerk on or before April 19, 1990. If your motion is not filed by that date, your petition will not be sent to the court.

Yours truly,

JOHN M. GREACEN
Clerk

By: _____
Z. Yevone Jeffreys
Deputy Clerk

cc: Gerald M. O'Donnell
Henry Counts, Jr.

**APPENDIX G**

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 89-3324

ZIBA BENNETT PHELPS, III

Plaintiff - Appellant

v.

SOVRAN BANK, N.A.

Defendant

and

GERALD M. O'DONNELL

Trustee - Appellee

---

On Petition for Rehearing with Suggestion
for Rehearing In Banc

---

The appellant's petition for rehearing and suggestion for rehearing in banc, and motion for leave to file petition out of time were submitted to this Court. As no member of the Court requested a poll on the suggestion for rehearing in banc, and

As the panel considered the petition for rehearing and is of the opinion that it should be denied,

IT IS ORDERED that the motion for leave to file petition out of time is granted and the petition for rehearing and suggestion for rehearing in banc are denied.

Entered at the direction of Chief Judge Ervin with the concurrence of Judge Phillips and Judge Wilkinson.

For the Court,

FILED: 4/25/90

/S/ John M. Greacen

CLERK

Supreme Court, U.S.
FILED
SEP 6
JOSEPH F. SPANIOL, JR.
CLERK

(3)

No. 90-101

# In the

# Supreme Court of the United States.

OCTOBER TERM, 1989.

ZIBA BENNETT PHELPS III, PRO-SE
PETITIONER,

*v.*

GERALD M. O'DONNELL, Chapter 13, TRUSTEE
RESPONDENT.

**Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit.**

## Reply Brief of Petitioner

ZIBA BENNETT PHELPS III, PRO-SE
P.O. Box 4021,
Arlington, Virginia 22204

August 29, 1990

## Table of Contents.

1) Reply Brief of Petitioner

2) Conclusion

## Table of References.

1) Letter of Respondent filed August 14, 1990

2) Forthcoming book, *Certiorari, Writ of*, to go to the publishers at the end of September

3) The Addendum to Petition for Rehearing and Suggestion for Rehearing In Banc filed with U.S. Court of Appeals for the 4th Circuit-Case No. 89-3324 on April 5, 1990

4) The American Bench pages 2 and map

5) The American Bench pages 2 and 85

6) Yale records of endowments

7) Trust Department of the Wyoming National Bank, Wilkes-Barre, PA

8) Court Records of the Luzern County Courthouse, PA

9) Recorder of Wills, Orphans Court, Luzern County Courthouse, PA

10) D & H Railroad to Draco Pennsylvania Department of State Records

11) Annual Reports of Wyoming National Bank 1962 and 1963

12) The American Bench, page 2

A) The Wyoming Valley Genealogical Society-Luzern County Courthouse, PA

14) The American Bench, page 1646

15) Phelps-Bennett Trust surviving trustee Wyoming National Bank recorded Luzern County Courthouse

16) The American Bench, page 90

17) Martindale & Hubbell, page 36, Alabama, Mobile, 1954; the same as 1952 and 53.

18) Current Biography, 1962, page 460.

# No. 90-101

# In the

# Supreme Court of the United States.

OCTOBER TERM, 1989

ZIBA BENNETT PHELPS III, PRO-SE
PETITIONER,

*v.*

GERALD M. O'DONNELL, Chapter 13, TRUSTEE
RESPONDENT.

**Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit.**

## Reply Brief of Petitioner

The filing of the letter on August 14, 1990 by the Respondent,[1] Gerald M. O'Donnell, Esq., Chapter 13, Trustee is the first answer in any court by anyone. In the United States Court of Appeals for the Fourth Circuit, he is named as the Respondent by the Clerk of the Fourth Circuit, the Honorable John M. Greacen. The matter of addressing the Clerk of the United States Supreme Court, the Honorable Joseph F. Spaniol, Jr., as "Sir or Madam" denotes a lack of respect to the Honorable Spaniol, as does the second paragraph of the letter: Rest assured, if this court should direct its Clerk, the Honorable Spaniol, in a matter relating to Mr. O'Donnell there would be no hesitation, as the United

States Supreme Court through its clerk would be addressing an officer of an inferior court who is a servant or agent in that court. On November 1, 1988, the Respondent was a party in the proceedings where the court and the counsel for the creditor, Sovran Bank, tried to have the Petitioner obtain a divorce from his wife MARIE to solve the dower interest problem on his land. This was done at a time when the Petitioner did not know the background or who the family of MARIE was. From what took place at the hearing, the court did and so did the Sovran Bank by attempting to have the Petitioner get a divorce to solve the dower interests of MARIE. The Petitioner alleges that the creditor, the Sovran Bank, is a Judgment Creditor by a default judgment improperly perfected and at a time when they had no grounds for judgment. That the Sovran Bank has never filed a proof of claim with Mr. O'Donnell is also alleged by the Petitioner. In court on November 1, 1988, the Petitioner was given the choice of paying off the remainder of the debt or getting a divorce. The Petitioner went to friends. A copy of the transcript of November 1, 1988 in Bankruptcy Court-Eastern District of Virginia is in the ADDENDUM TO PETITION FOR REHEARING AND SUGGESTION FOR REHEARING IN BANC filed with U.S. Court of Appeals for the Fourth Circuit-Case No. 89-3324 on April 5, 1990.

The RESPONDENT asks the PETITION FOR A WRIT OF CERTIORARI be determined on the basis of the Petition and there is reason to believe that this Petition has been prejudged, and in support thereof the Petitioner says: In the spring of 1987 the Petitioner through hard work and intelligence efforts got an address and a name under which his wife MARIE was being hidden. This can now be divulged, as she is no longer there after the attempt on her and her son's life in September 1989; MARIE has been moved. The address the Petitioner obtained was GLADYS MARIE SMITH, 3418 DESCHAUMES, HOUSTON, TX, Tel. 224-2406. The Petitioner on April 26, 1987 drove up and down DESCHAUMES four times trying to find 3418.

DESCHAUMES is in the Carnival District of Houston, which is made of World War II emergency housing and is in the colored district. A white honky in a blue pick-up with Virginia plates and a black-and-white dalmatian on the front seat did not go unnoticed. When the Petitioner got out of the pick-up and walked across a lawn to check a house number which was obstructed by high grass, he came within feet of his wife MARIE, who was in the house. The Petitioner returned to his pick-up because it was the wrong number. The Petitioner returned to his motel and called the telephone number on the address and asked for Mrs. Gladys Marie Smith when a colored man answered the phone. He slammed the phone down. The Petitioner the next day got a detective Mr. Don J. Pannell, Texas License No. C-3933. The United States Government got to him within 12 hours and he would no longer speak with or see the Petitioner. All of this is contained with more detail in a book called: *Certiorari; Writ of*, to be ready for publication the last part of September 1990 and is herein incorporated by reference and hereinafter called the MANUSCRIPT.[2]

MARIE and her family are hidden in the heart of the colored district of Houston and Mobile when there is a threat to their safety. Whitie does not go down into those areas and it has been this way since the 1900s. In addition to this, there is the fact that the elite police guard of the Tsar, Nicholas II was a troop of 25 or 50 colored soldiers over six feet tall and the family is used to this protection. The other places the women are hidden are in the convents of the Daughters of Charity which are under the Jesuits' control.

What one does not often realize is the colored of this nation have a fantastic intelligence system. It ranks among the best. Within the hour after the Petitioner left DESCHAUMES this information was all over this country within the colored network, and this included Justice Thurgood Marshall. It was important that Justice Marshall should be notified, as he sits in review of the Second Circuit Court of Appeals which

includes New York, Connecticut, and Vermont.[4] Five of the major banks that handled the Imperial Russian gold for this country are in New York City. Ethnic origin alone does not implicate Justice Marshall in knowledge of the hiding of MARIE; it is the banks in the Second Circuit Court of Appeals which is in his jurisdiction. Of interest is the number of honorary degrees that Justice Marshal has received from Israeli institutions. The overthrow of the Tsar has deep Israeli involvement with U.S. money and the paid Bolsheviks. One cannot stop here.

Houston is in the Fifth Circuit Court of Appeals which is Justice Byron R. White's responsibility.[4] Before reviewing this, here are some points of note. Justice Byron White graduated from Yale Law School *magna cum laude* in November of 1946 and then clerked for the Chief Justice of the United States Supreme Court, Fred M. Vinson. He entered Yale University Law School in 1940, and his graduation was delayed by the World War II years. While at Yale being the brilliant scholar he is, the following would not have gone unnoticed. The dean of the Yale Law School sits on the Edward Phelps Chair given by the Petitioner's family. There are other chairs at Yale,[6] and one is for William Walter Phelps, a noted jurist, and there is also a gate on the old campus named in his honor. The Yale Law School is endowed by the Uncle Will Trust,[7] now called something else. This trust is some $1 billion two hundred thirty-seven million and change which is used to endow eastern United States law schools, and this trust is in the Wyoming National Bank of Wilkes-Barre, Pennsylvania. The Phelps family in addition gave $50 million to Yale in about 1882 and placed it in the hands of the Phelps Association to watch over it. In 1947 Justice White left Washington as clerk for the Chief Justice of this Court and went to Denver and joined the law firm of Lewis, Grant, etc. to work on corporate cases. Yale has a great presence in Colorado, and this includes the old Hamond School of Mines, which is now the Colorado School of Mines. His eastern knowledge was of great help in Denver. It just so

happens that there is a bond between the Wyoming National Bank and Yale, as it was a bank founded in 1828 by Ziba Bennett, the Petitioner's grandfather's grandfather. Coal was a great source of income to these trusts in the Wyoming National Bank, as were the railroads that hauled it. The Petitioner's grandfather died November 1961, and that is when the cannibalizing of his estate started.[8] Justice White was Deputy Attorney General under Robert Kennedy, the brother of President John F. Kennedy. On March 30, 1962 Justice White was named to the United States Supreme Court.

In the Trust Department of the Wyoming National Bank is the Phelps Bennett Trust in which the coal properties from the estate of Martha Bennett Phelps were placed and which were mostly leased to the Delaware and Hudson Company,[9] a New York Company and a survivor of the D&H Canal Company. The D&H Railroad was owned by the D&H Company[11] and slipped away and became Dreco in some form of magic in 1962 and is now part of Gilford Transportation. There are numerous coal lands in the Wyoming National Bank, and these may total 5,000 acres. Three things of note must be considered before returning to Justice White.

Max Rosenn was a director of the Wyoming National Bank in 1962 and 1963[11] and probably took Ziba Platt Bennett's seat on the Board of Directors, who died in April of 1962. In 1962 and 1963 is when the Wyoming National Bank was cannibalizing the estate of Ziba Bennett Phelps and the coal railroads of eastern Pennsylvania and New Jersey. Max Rosenn is now Senior Judge Max Rosenn on the Third Circuit Court of Appeals, and these railroads and the Wyoming National Bank are in his territories. Retired Justice William J. Brennan Jr. was from New Jersey, and his Judicial areas were the First and Third Circuit Court of Appeals where the Third Circuit was and where Judge Max Rosenn sat, a former director of the bank.[12]

The intertwining continues as Chief Judge of the United States District Courts of the Eastern District of New York is Thomas Collier Platt,[12] whose grandmother was Virginia Lee Phelps,[12A] the Petitioner's grandfather's sister. She may or may not be Ziba Bennett Phelps, Sr.'s sister, as he was hidden in the Phelps family and had European parents. Virginia Lee predeceased her mother, dying in about 1908. When her mother died in 1920 the Phelps-Bennett Trust was created in January 1923 to handle the coal lands for the heirs.[7] Chief Judge Thomas C. Platt's father is named in the Phelps-Bennett Trust[15] as one of the beneficiaries. The Petitioner owns over 50% of the Pennsylvania Railroad and some 31% of the New York Central, according to Edward Darling, an attorney in Wilkes-Barre. The Lehigh Valley Railroad was bought by the Pennsylvania and put into bankruptcy in about 1965. The Lehigh Valley and the other coal-hauling railroads had extensive land in Brooklyn, which is in Chief Judge Platt's jurisdiction. Chief Judge Platt would know, as his father is a beneficiary of this through the trusts. His father Collier Platt has had a stroke and cannot handle his affairs so more of handling these affairs has come under the control of Chief Judge Platt. Note this: The Second Circuit Court of Appeals is under the watchful eye of Justice Thurgood Marshall.[4] Justice Marshall cannot but be knowledgeable of the demise of the eastern coal-hauling railroads and the Pennsylvania, New York Central railroad; he also knows about the Imperial Russian Treasury and the hiding of MARIE.

This should not slip by. The Chief Judge of the United States District of Alabama for the Southern District sitting in Mobile is William B. Hand,[16] who was a junior partner in the law firm of Smith, Hand, Arendall & Bedsole,[17] a seven-member firm where the Hand was his father. This is the firm the Petitioner went to on April 20, 1953 to see Mr. Hand, the judge's father. The direction to that firm was from Sullivan & Cromwell of New York, with the guidance of John Foster Dulles, who had just become Secretary of State for the United States. Chief Judge Hand had been practicing law for about

four years at the time. The accident of the Petitioner's wife on December 4 of 1952 was being handled for NSAA insurance company by the law firm of Smith, Hand, Arendall & Bedsole,[17] so they were already knowledgeable of what was going on before the Petitioner arrived in their offices. Chief Judge Hand could not help but know what was going on, as the office was one big room with one glassed-in area for Mr. Smith or Mr. Hand, Sr.

Chief Judge Hand is important, as Mobile is where MARIE's family was sometimes hidden. MARIE's grandmother, Alexandra, was in Mobile in February 1953. T. Massey Bedsole[17] will not see the Petitioner and says by letter of inquiry by counsel he does not remember and his records of the divorce are destroyed. Chief Judge Hand is in a position to protect his former firm and Mr. Bedsole. Mobile is in the Eleventh Circuit Court of Appeals, and Mississippi is just some 15 miles away. The State of Mississippi is in the Fifth Circuit Court of Appeals. Should something happen in Mobile, the jurisdiction could be quickly changed. Houston has now become the main area where the family lives, and where MARIE has been held. There are still interests in Mobile.

Justice Byron White came to the United States Supreme Court in 1962 and was a President Kennedy appointee when all the things with the Wyoming National Bank were going on, as well as the collapse and cannibalizing of the coal-hauling railroads of the east. He was given the Tenth Circuit Court of Appeals which has extensive Yale and family trust interests in that jurisdiction. He was also given the Fifth Circuit of Appeals[4] and this is where Houston is located.

Justice White has had an unusually close relationship with the United States Marshals, and this goes back to the riots in Montgomery in March of 1961 when he took charge of the U.S. Marshals and directed their actions in Montgomery.[18] The following year Justice White was on the Supreme Court.

Because of this close relationship, it is only natural the U.S. Marshals would keep him well informed on his Fifth Circuit Court of Appeals, which is part of his judicial area. Houston is in the Fifth, and Houston is where Marie had been hidden until the attempted assassination last year. When the Petitioner went down to Deschaumes in Houston in April 26, 1987, Justice White was informed immediately by the Chief U.S. Marshal in Houston. Justice White's involvement does not stop here, as he passed through the portals of the Yale Law School and secured his law degree *magna cum laude*. A brilliant mind in a law school would be inquisitive about his school, and this would lead to knowledge of the Phelps's and the Wyoming National Bank's involvement. The grandson of the man responsible for so much of the benefits of Yale is Ziba Bennett Phelps III, the Petitioner, who also happens to be married to MARIE, the granddaughter of Nicholas II. Justice White has known about the hiding of MARIE since before April 26, 1987 and why she is so well protected.

To have a fair and impartial hearing on the Petitioner's Writ has been jeopardized by the members of this Court knowing about the holding of the Petitioner's wife MARIE by the U.S. government and in specific by the agents and enforcement arm of this Court, the U.S. Marshals. On July 16, 1990 there were on this Court three members who know about the holding or protection of the Petitioner's wife MARIE. On July 20, 1990 Justice Brennan retired and nothing further is said. Justice Marshall knew about the Petitioner's visit to Deschaumes on April 26, 1987 through his own resources as well as through the New York banks that hold the Imperial Russian Treasury who are in his Second Circuit Court of Appeals. The heir to this treasury is the senior member of the Romanoff family, and that is now because of attrition MARIE. Justice Marshall has to know. Justice White is responsible for the Fifth Circuit Court of Appeals where Houston is located and in addition because of his graduation from the Yale Law School he is knowledgeable in the Phelps affairs, and this

includes the marriage of the Petitioner to MARIE, the granddaughter of Nicholas II.

There is still another Justice on the Supreme Court who is aware of the hiding of MARIE and who she is. However, there is insufficient time to investigate and develop this information.

All of the above information is more fully explained in the MANUSCRIPT[2] and any faults or misconceptions are solely due to the necessity of putting so much in the limited space of a Reply Brief.

This Reply Brief is in response to the Respondent's request that the Petition for a Writ of Certiorari stand on its own. This will be most difficult, as members of this court have knowledge of who MARIE is and how she is being held or protected, and the Petitioner's thrust for Certiorari is that he may see his wife MARIE, who is held by the U.S. Marshals, the administrative and enforcement arm of this Court with the direct knowledge of certain members.

These questions are being asked: First, Why is she being held, if MARIE is not who she is? Second, why were the Investigators of the Virginia State Police told not to talk to or do anything further in locating the wife of the Petitioner, MARIE, by the Attorney General of Virginia, Mary-Sue Terry, and this was after they had located MARIE? Third, why did the Commonwealth's Attorney for Arlington County, Virginia and the United States Bankruptcy Court refuse to help the Petitioner get MARIE's Social Security Number through HUD's Federal Parent Locator Service? The cover-up is there and positive.

## Conclusion

For the reasons stated above, this Court may not be able to hold a fair and impartial hearing because of direct involvement and knowledge of the holding of MARIE by Justices of this Court; therefore, and for reasons stated in the Petitioner's opening brief, the Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

ZIBA BENNETT PHELPS III, PRO-SE

Petitioner

P.O. Box 4021

Arlington, Virginia 22204

August 29, 1990